

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**ANYWHERECOMMERCE, INC. and
BBPOS LIMITED,**

Plaintiffs,

v.

**INGENICO INC., INGENICO CORP.,
and INGENICO GROUP SA,**

Defendants.

Civil Docket No: 1:19-cv-11457-IT

STIPULATED MOTION TO MODIFY CASE SCHEDULE

Plaintiffs / Counterclaim-Defendants AnywhereCommerce, Inc. (“AnywhereCommerce”) and BBPOS Limited (“BBPOS,” and together, “Plaintiffs”) and Defendants / Counterclaim-Plaintiffs Ingenico Inc., Ingenico Corp., and Ingenico Group SA (collectively, “Defendants”), by and through their respective counsel, jointly stipulate and agree to this Motion to Modify Case Schedule (the “Motion”) requesting that the Court extend the fact discovery cut-off and deadline to file dispositive motions by 90 days, to September 28, 2020 and February 27, 2021, respectively, and in support thereof state as follows:

1. By order, dated November 27, 2019, the Court established a fact discovery cut-off of June 30, 2020 and a deadline to file dispositive motions of November 29, 2020.
2. Since then, the parties have each served and responded to written discovery requests and have secured a protective order establishing protective measures as to confidential and privileged documents.
3. Further, the parties have been negotiating an ESI and Hard Copy Document Protocol that would establish measures governing the production of documents.

4. The parties also have been discussing the anticipated scope and timeline of discovery, and in particular international discovery. Plaintiff BBPOS Limited is based in Hong Kong and Defendant Ingenico Group SA is a French entity. Accordingly, the parties anticipate needing to obtain discovery (both written and oral) from those countries. That includes not just from the parties themselves, but from third parties as well (such as former employees). To do so, the parties anticipate the need to go through the Hague Convention process for obtaining foreign evidence and to travel abroad to take depositions. Even under normal circumstances, such discovery can take several months to complete. As a result of the COVID-19 situation and related effects on travel, business, health, government operations, and the like, the parties anticipate that they will need additional time to complete the discovery.

5. Accordingly, the parties have agreed to extend discovery (and post-discovery deadlines) by ninety (90) days. That would extend the fact discovery cut-off to September 28, 2020 and the deadline to file dispositive motions to February 27, 2021.¹

WHEREFORE, the parties request that the Court extend the fact discovery deadline to September 28, 2020 and the deadline to file dispositive motions to February 27, 2021.

¹ Given the uncertainty of the COVID-19 situation and related effects on travel, business, health, and government operations, longer extensions of both of these deadlines may become necessary.

Respectfully submitted this 23rd day of March 2020,

INGENICO INC., INGENICO CORP., and ANYWHERECOMMERCE, INC.
INGENICO GROUP S.A. and BBPOS LIMITED,

By their attorneys,

By their attorneys,

/s/ Nicole J. Benjamin

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/s/ Daniel Carmeli

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CERTIFICATION UNDER LOCAL CIVIL RULE 7.1(A)(2)

I certify that I met and conferred with opposing counsel in a good faith effort to resolve or narrow this issue. As noted above, Defendants assented to the requested relief.

/s/ Daniel Carmeli

IT IS SO ORDERED:

The Honorable Indira Talwani
United States District Court for the District of Massachusetts

DATED: _____

CERTIFICATE OF SERVICE

I certify that on this 23rd day of March, 2020, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Maryanne F. Connolly